

# EXHIBIT 1



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Monday, March 5, 2007

## Numbers galore! Yeah, we're nerds

By Mary Smith Judd, Special Sections Editor

**CALL US GEEKS.** Every year, we hope to make our annual Going Rates issue bigger and better than the year before. So imagine our thrill to discover we had amassed nearly 2,000 law firm billing rates for this issue. (By comparison, last year featured roughly 800 listings, and the year before, about 400.)

Our bounty actually created a production problem for us; to include all of the rates in our print edition would have spanned more than 40 pages. So we have placed our overflow information—mostly national and support staff rates as well as law firm ranges—on the Web. The entire chart is available, in searchable form, at [www.dailyreportonline.com](http://www.dailyreportonline.com).

Our available pool is finite, so these hourly rates are not intended to be an exhaustive list of all lawyers' or firms' rates. Research is compiled mostly by scouring Chapter 11 bankruptcy filings in Georgia's three district bankruptcy courts. Because the U.S. Bankruptcy Code requires that lawyers attest to their usual and customary hourly billing rates, we regard the rates as reliable. We also collect some rates from other federal district court filings.

All rates came from filings submitted to courts between Jan. 1 and Dec. 31, 2006, by firms seeking pay for legal work.

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Besides the likely venues, we also look at other cases with Atlanta or Southeastern connections, such as the ongoing Delta Air Lines reorganization, filed in New York's Southern District. If these cases yield rates for out-of-state firms, we include those for contrast and comparison. And wherever firms offered rate ranges, we've included those as well.

It should come as a surprise to no one that rates everywhere continue to rise at a healthy pace.

The highest Atlanta biller we found is Jones Day's Atlanta office managing partner George T. Manning. An hour of his expertise in business litigation went for \$700 last year. Still, 106 partners from 11 cities billed at higher rates.

Our list tops out at \$875 by Kirkland & Ellis' London lawyer Lyndon E. Norley. No one else bills at more than \$900, but 47 bill between \$800 and \$875.

We recognize our averages are by no means scientific and are somewhat skewed by the overrepresentation of major-market billers, we thought it worthwhile to provide them as some measure of contrast with Atlanta's rates.

The average, for all 783 partners, members or shareholders in our listing, was \$518 an hour. That compares with an average of \$407 for the 177 Atlanta partners in our listing.

The highest rate for an Atlanta associate was \$420, charged by Paul Hastings' Albert M. Myers. Nationally, Molly F. Stockley of Debevoise & Plimpton's New York office took top honors, with \$565 an hour, and internationally, it was Kirkland & Ellis' London associate Kon M. Asimacopoulos at \$700—the same rate as our top Atlanta partner.

The average counsel in our listing bills \$445 an hour. That compares with an average \$336 among Atlanta's counsel.

We included those who identified themselves simply as "attorney" or some other nonspecific title as associates in our average calculations. The average associate rate for the 753 counted was \$310. In Atlanta, the average was \$249.

Our 35 self-identified solo practitioners billed an average of \$244 an hour. All but two of them are Georgia lawyers.

The top-billing paralegal was O'Melveny & Myers' Keith Whitman at \$275 an hour. The average paraprofessional or support staffer charges \$159.

A couple of other things to consider while you contemplate these pages:

- Because firms adjust their rates at different times throughout the year, the listed hourly rate may not be current with the rates being charged today.
- Some firms offer blended or discounted rates to clients. It is not always obvious when this is the case, although a rate that does not end in a zero or a five is a likely candidate.
- The spelling of names, use of initials, titles and office locations were derived from biographical information available on firm Web sites, state bar Web sites, Martindale-Hubbell's list of attorneys, or directly from the firms themselves.
- If court documents indicated more than one hourly rate for a lawyer, we used the highest listed.

Also in this issue, Miami-based freelancer Carl Jones talks with several experts about the health and future of the hourly rate, page 4. And we take a look at some of the top billers in Atlanta in our Over 500 Club, page 10.

Going Rate is a reader favorite, destined for bottom desk drawers across Atlanta. So go ahead and—if you must—call us nerds. We can all take comfort in the health of the legal profession, evidenced by the constant increase of these rates.

*Mary Smith Judd is special sections editor of the Daily Report. She can be reached at mjudd@alm.com*

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Monday, March 5, 2007

## The hour's future

*Rates progress toward the inevitable \$1,000 an hour in New York and London. When will Atlanta get there?*  
By Carl Jones, Special to the Daily Report

INCREASINGLY, partners at top-tier firms in larger cities sprint toward four-digit hourly rates, begging the question: When will Atlanta lawyers command \$1,000 an hour? Where does it end?

For all but the most senior partners, the hourly billing rate is all they've ever known. (For a history of the hourly billing rate, see related *Daily Report* article "A Time to Bill" by Karen Dean)

In the decades since the hourly billing rate became the standard, rates have usually increased every year, seldom plateau and have never crashed. Instead, they edge up at a rate dependent on the firm's location and commensurate with the experience and performance of individual attorneys.

So what does the future hold for the billing rate as a model for the modern law firm?

In short, it's alive and well in the absence of a more successful alternative model.

Barring economic catastrophe, firms and their clients should not expect a downturn or correction in the average hourly rate, according to five experts interviewed for our annual look at billing rates. After all, law is a healthy, ever-expanding business held up by our litigious national character and the increasingly complex regulation of everything from financial securities to health care to the environment.

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Historically, the hourly rate was favored by clients who wanted to make legal bills easier to budget, says Michael H. Trotter, a partner at Kilpatrick Stockton and author of "Profit and the Practice of Law" (University of Georgia Press, 1997).

"In business generally, people like to be able to count things," he explains. "[The hourly rate] is quantifiable, identifiable—it's almost tangible. You're buying an hour of time at a certain rate. ... It added to the predictability of the cost and that's very important in budgeting."

While connected to the overall condition of the legal market, rate increases are particularly linked to the type of work being done. So-called commodity work—personal bankruptcies or basic criminal defense work—sometimes is done for a flat fee, while mergers and acquisitions or real estate deals sometimes are done on a contingency basis.

But it is in those red-hot specialties of the day that the hourly rate reigns supreme, increasing at a greater rate than in other kinds of work.

Hourly rates continue rising mostly because clients still are willing to pay them. Clients will begin to resist rate increases, however, when they don't feel they are getting value for their money, our experts agree.

And while the hourly rate is still the most common way to charge clients for noncommodity work, for years firms have been experimenting with alternative billing arrangements to attract and keep clients while preserving or improving profit margins.

Alternative billing deals have not taken off, because each has inherent problems that make the hourly rate preferable.

### Market tolerability

Trotter researched hourly rate increases from the 1970s through 1998 for a 1998 *Daily Report* article on the subject. He says those numbers—and the data he has reviewed since then—show that rates had not shot up as much as clients felt they had.

"You would be surprised," he says. "On an hourly basis, rates haven't increased much more beyond inflation."

Rates have never really dipped, Trotter says. He predicts they likely never will. If the rate of inflation remains similar to that of the last three decades, he forecasts, a \$1,600 per hour rate is a real possibility, depending on the overall economy.

"In the last 30 years inflation has been about 233 percent," he says. "If we experienced the same rate of inflation over the next 30 years, the \$600 senior partner rate in Atlanta would be about \$2,000 an hour in 2037. Of course, rates have been increasing in excess of inflation, so it could happen sooner, but I think the folks getting that rate will be a much smaller percentage of the profession than the ones getting the top rate today."

One of the factors that will weigh heavily on the trajectory of rates, Trotter says, is the growing influence of in-house general counsel—who often price legal work for big businesses. "[Businesses] are going to be putting pressure on the lawyers they hire outside of their organization to lower their price," he says. "There's some cases where companies are actually turning over the hiring of legal counsel for commodity products to their purchasing departments, taking it out of the hands of lawyers [and] putting it out to bid."

Trotter says alternative billing arrangements—like the fixed-fee deals of old—probably haven't taken off because the law firm incurs too much risk, even though clients are happy to have a definite figure for their number-crunchers.

"No lawyer wants to take a fixed fee on a deal that could vary in terms of the effort required enormously," explains Trotter. "At some point, they will conclude that the risk of taking the fixed fee outweighs the advantage of having work—period."

A fixed fee might even make a matter less of a priority—which would make cheaper representation less effective for a client, he says. "It would undermine your morale and enthusiasm for the job and that wouldn't be in the client's interest either. ... [If] they squeeze too hard, they might just get a lousy job and that's not in their interest."

Trotter says firms and clients might be happier by estimating the cost of a piece of litigation and then agreeing that the firm will receive a bonus for coming in under budget. He poses a hypothetical example where a firm and client agree that litigating a matter might cost \$100,000. If the firm wins the case and only racks up \$80,000, the firm might negotiate ahead of time to split the \$20,000 savings with its client.

Despite this experimentation—and the fact that the hourly billing rate won't be employed in every area of the law—Trotter says, "A substantial amount of the work will continue to be done on an hourly rate basis."

#### The price of experience

Atlanta trial lawyer H. Lamar "Mickey" Mixson of Bondurant, Mixson & Elmore also expects the hourly rate to thrive.

He says his rate has outpaced inflation because he has become a more effective lawyer over time. "More to the point, none of my clients complain about my hourly rate," he says. Associate starting salaries also have outpaced inflation, he adds.

Bondurant Mixson, like many firms, carefully calculates rates based on the market—but in the end, he says, it's all about what the client is happy paying.

"The most important measure of whether your rates are reasonable is not necessarily the rate and how it compares to other lawyers with the same experience, but whether the client gets value for the total amount of money they spend," Mixson says.

Part of that simple equation is, as Trotter discusses, keeping legal bills predictable and manageable. Mixson says clients feel the hourly billing model "allows them more control or more insight into what their lawyers are doing. I'm not sure that's true, but the clients want it and we do it."

Although billing by the hour is the predominant form of charging for legal services, Mixson says, it too has a problem. "One of the problems with the hourly rate as a final measure of reasonableness is that some lawyers are more efficient than others—and some others are more efficient in some circumstances than others," he says. "I'm more efficient doing something I've done 50 times than something I'm doing for the first time."

In recent years, Mixson says, he's seen more willingness by clients and firms to use contingency-fee agreements to keep both lawyers and clients happy. Those arrangements, which sometimes include a bonus for favorable results, encourage firms to work harder and smarter, he explains. "A lot of clients tend to prefer it because they feel a lot better paying you a \$1 million fee if that's 20 percent of \$5 million you got them."

Problems aside, Mixson says, the hourly rate will be with us until someone thinks of something better, although "insofar as business law, nobody has."

#### Risk assessment

Grant W. Collingsworth, a partner in the Atlanta office of Morris, Manning & Martin, says he also has seen hourly rates climb steadily over his career—although they sometimes outpace the increases seen in other industries. "It is a gradual incline," he says. "It's certainly gone up by varying percentages every year."

He attributes that steady but pricey increase to the competitive legal market, which in turn owes itself to the relative economic success of U.S. companies that employ the hourly billing model when they hire lawyers.

But like other experts, Collingsworth says client satisfaction is the cornerstone in establishing a firm's rate structure. "As you increase rates, clients push back and lawyers are always sensitive to that."

Collingsworth says a correction is at least plausible. It all depends on a sometimes-volatile economy, he explains. "It's certainly possible that you could see a drop; again, it all goes back to market forces and the ebb and the flow [of supply and demand]."

Firms are not enthusiastic about trying other billing methods, Collingsworth says. He observes that when few lawyers are available for a particular kind of work, firms stand fast on using the hourly rate. Conversely, when work is scarce or the market is flooded with capable attorneys, firms are willing to try new things to get work.

Like others, Collingsworth says the fixed-fee arrangement of yesteryear is not a system law firm executives want to employ exclusively again. "Part of the problem with that model is there are a lot of things out of your control," he says. "So where does that risk go in a fixed-fee arrangement? Either the law firm builds that risk into a fixed fee or they just bear the risk themselves."

Such risk includes those elements of legal representation that a lawyer can't control, such as an unfavorable ruling by a judge that could require an appeal, he says. In the business of law, the hourly rate is a "safety net for the lawyers."

"What the billable hour rate really does is shift the risk of uncertainty in the matter from the firm to the client," he says. "Clients are looking for something to avoid taking all that risk on their own. One way to do that is alternative billing."

Although firms prefer the hourly billing rate, Collingsworth says, more clients are "asking for either capped rates, fixed fees or other kinds of arrangements."

In order to make clients more comfortable with the hourly billing rate, Collingsworth's firm, Morris Manning, tapped Collingsworth several years ago to head up an initiative to use traditional project-management principles employed by other businesses to make representation less costly for clients.

"Rather than compete on price, we're trying to compete on value," he says. Morris Manning's attempt to become a more efficient law firm is designed to take the mystery out of what a client's attorneys spent all that time doing—thereby making the process more transparent, more likely to come in on budget, and in the end, less likely to result in a surprisingly high legal bill.

To do that, Collingsworth says, the firm and the client will map out the probable direction that litigation will take, factoring in the likely time spent on getting a settlement or, alternatively, going to trial. They also analyze the likelihood of appeals, delays in litigation and other factors that can increase the total bill. The client and firm will then calculate a projected cost that the parties negotiate.

Like other kinds of employment contracts, Morris Manning and the client will negotiate what is included in that estimate and what tangential legal services might cost extra.

By being more efficient, Collingsworth says, his firm can work with any billing method. "What it's designed to do is bring

greater efficiency to any legal project and then that makes any billing method better for both parties," he says.

#### 'A supply-and-demand thing'

Paul L. Hudson Jr., managing partner of Atlanta's Parker, Hudson, Rainer & Dobbs, also focuses on reducing costs and working smarter—rather than lowering hourly rates—in order to keep clients.

"We are very conscious of minimizing costs, and we try to run our shop just as efficiently as possible to keep our rates low so that they are attractive to clients," he says.

Hudson agrees with other experts that the type of work being performed makes a difference in how much a firm can jack up its rates year after year. Basic legal services that almost anyone can do are more likely to stay low because firms are competing for business.

"It's a supply-and-demand thing," he says. "Certain transactions are less price-sensitive because they're so important to the client or there are so few lawyers that compete for the business." Those are the rates that will increase at a steeper rate, he says.

Hudson also agrees that a fixed-fee arrangement makes firm managers too nervous for any work that is complex or could drag on for years. "So many things are out of your control, I think it's certainly unfair for the lawyer to take all the risk of that," he says.

Although alternative billing arrangements are being experimented with all over the country, Hudson believes the hourly rate won't be obsolete anytime soon. "I think it's going to be here for a long, long time," he says.

#### Market correction

Batavia, Ohio-based economist Michael Cavanaugh also believes the hourly billing rate and a strong legal business environment have been kind to law firms.

"It's a very basic model," Cavanaugh says, "but it seems to be being borne out that rates for attorneys at every experience level have increased faster than the general price level [in other industries] for more than a decade."

Cavanaugh studies law firm billing rates and is sometimes called on to testify about the reasonableness of rates in fee disputes. He explains that because a competitive market has led to rate increases that outpace inflation, "we see a calling out of higher prices for attorneys—particularly experienced attorneys."

A lot of that is due to increased regulation in almost every business sector and the likelihood that most disputes will end up being settled in a courtroom. "We have ways of dealing with [problems] and attorneys are at the front line, representing people and using an established process to try and get [those problems] fixed," says Cavanaugh.

Even if the economy does stumble, firms likely will decrease costs for a client in other ways—quite possibly by reducing the number of lawyers they employ, Cavanaugh predicts. "They won't change the price as much as they'll reduce the quantity [of lawyers]," Cavanaugh says, guessing that a 600-lawyer firm might shrink to 626 through attrition.

If such a reduction in force does occur, Cavanaugh says, it probably will hit new law school graduates harder. "If there is a correction, those people will see it first. They won't have as many offers, and some might not get any," he says. He agrees that it would be similar to the employment crisis new computer science graduates faced after the Internet bubble burst in the 1990s.

Cavanaugh says most modern firms, like those represented in this story, are trying to find ways to keep the legal bills low for clients so that clients will keep bringing them work.

"There are firms that are experimenting with different ways of getting paid—and one of them is to try and figure out not so much 'How many hours did it take me to fix your problem?' but 'What is the value to you of fixing that problem?'" Cavanaugh says. "They will then want some percentage of that value."

But like the others, Cavanaugh doesn't see any other billing model replacing the hourly rate anytime soon. "We're going to see a lot of hourly billing continue for five to seven years, easy," Cavanaugh predicts.

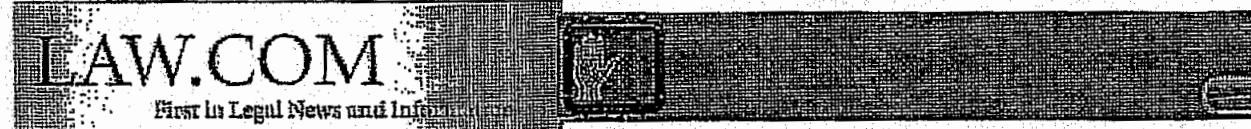
*Carl Jones is a freelance writer.*

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## Hourly Billing Rates Continue to Rise

Upward trend still in evidence at law firms, with some notable figures at the high end of the scale

Lindsay Fortado  
The National Law Journal  
December 12, 2005

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Image: Photodisc Green

It's a good time to be a lawyer.

Billing rates for law firm attorneys jumped last year, with partners and associates raking in more dollars per hour than ever before. And at least one partner now charges \$1,000, the first four-figure hourly rate reported to *The National Law Journal*.

This year, 116 law firms responded to questions about billing rates included as part of the NLJ's 2005 survey of the nation's 250 largest law firms. (The survey is sent to about 300 firms, therefore some firms included in this survey are not among the NLJ 250.) Of those 116 responding firms, 102 also supplied answers to those questions in the 2004 survey.

The 2005 results indicate that most firms raised their rates for both partners and associates at both the high and low ends of their ranges.

Seventy-nine of the 102 firms that responded in both 2004 and 2005 raised their highest rates for partner this year, while 10 reduced theirs and 13 kept them the same. Seventy-six firms raised their lowest rates for partners, while 10 decreased them and 16 kept them the same.

As for associates, 82 firms raised their highest rates, 15 decreased them and five maintained them. Seventy-four raised their lowest rates, eight decreased them and 20 kept them the same.

At Venable, the partner high is up to \$1,000. Just as remarkable, Dorsey & Whitney reported an associate high of \$835 — more than most partners make.

"You have to look behind that [rate] to what those people do," said Ward Bower, a principal at the legal consulting firm Philadelphia. "It might be that there's something unique that there's a high demand for."

The partner charging up to \$1,000 an hour at Venable is Benjamin Civiletti, the firm chairman and a 70-year-old partner in Baltimore who was the U.S. attorney general under President Jimmy Carter. He specializes in Internal Investigation corporate defense.

"That's a rate that he charges for the most extraordinary work," explained James Shea, the managing partner of Washington, D.C., of the \$1,000 rate. Shea said it was doubtful that Civiletti is the only partner at a major U.S. firm who charges

Civiletti raised his highest hourly rate from \$810 in 2004 to \$1,000 this year. Shea said the firm raises its rates based on development of certain practice areas, and a demand for certain types of work.

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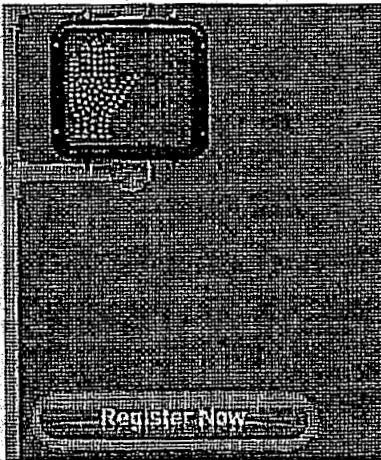
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"None of that surprises or shocks me," Bower said of the \$1,000 rate. "How many Ben Civilettis are there in the country? With his expertise and his contacts, his Rolodex alone must be one of the most impressive in the country."

"Big-ticket litigation, hostile takeovers, Internal Investigation, the top people in those areas are billing at the highest rates," he continued. "Those are bet-the-company types of work. [Companies] want the best, and they're willing to pay for the best."

"If you look at a multinational corporation, they're used to paying that much at London law firms," Bower said. "They're charging six, seven hundred pounds, and when you convert the pound, those lawyers are charging over \$1,000." He added, "It's interesting to note that with all the talk of resistance to increase, the numbers still continue to go up."

Bower also pointed out that many large firms offer discounted rates, so the highs may be misleading because few clients are actually billed that high.

The partner high last year was at Reed Smith, which reported having a partner who charged \$875 per hour. A firm spokesman said the partner worked in London, and the high rate was a result of the exchange rate.

This year, Dorsey & Whitney's highest associate billing rate of \$835 is notable, given that the highest partner rate at \$876.75, slightly higher than the highest reported rate last year. (The firm would not disclose which associate billed a highest rate for an associate reported last year was \$550 at Palo Alto, Calif.-based Cooley Godward.

The high rates at Dorsey for partners and associates this year represent the billing rates in the tax litigation group in Kingdom. The group specializes in complex litigation, which bills at a high rate, and is additionally bumped up by the said Larry Splitt, a firm spokesman. Dorsey did not report any rates last year. The firm increased its rates by around Splitt said.

"What it amounts to is most likely firms paying attention to market-based pricing, what the market is willing and able said. This is a contrast to previous years, when firms have traditionally set pricing based on the seniority of an attorney his or her expertise, he said.

"The biggest problem is not client acceptance [of the high rates], it is acceptance within the firm, because it probably hierarchy," Bower said.

The lowest associate billing rate reported this year was \$75 at Philadelphia-based Cozen O'Connor, in comparison with Akron, Ohio-based Buckingham, Doolittle & Burroughs. The lowest partner billing rate was \$105, also at Cozen O'C It was \$135 at Philadelphia-based Marshall, Dennehey, Warner, Coleman & Goggin.

However, that's not to say that Cozen O'Connor is always a bargain. Its rates for partners ranged up to \$700, and its associates go up to \$395.

Cooley Godward was one firm that did not raise its highest rates, but its lowest rates for partners increased from \$37! hour and those for associates rose from \$205 to \$215.

#### **WIDENING RANGES**

Some firms that raised their highest rates also dropped their lowest rates, increasing the range of billing rates available

"The ranges are going to continue to grow," Bower said. "You'll see a lot of pressure on the low end, whereas for the strategic work, the rates will also be high, but justifiable."

This was the first year in which the NLJ asked firms to provide average and median (middle number) billing rates for associates. Firms were also asked to provide firmwide averages and medians. These rates provide a clearer idea of what lawyer at a given firm charges. More than half the responding firms provided this information.

Of those firms, Orrick, Herrington & Sutcliffe boasted the highest firmwide billing average: \$451. Washington-based P reported the highest firmwide median: \$495. New York's Kramer Levin Naftalis & Frankel reported both the highest and highest median rates for partners, \$598 and \$590, respectively.

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A note about the hourly rate index: The billing rates at the end of each row are the individual attorney's 2006 rates listed in fee requests of cases filed in U.S. Bankruptcy Court and other federal courts. If the attorney charged different rates during the same year, only the highest rate is listed.

**Showing 1 through 20 of 33 results. (Click a firm or city to bring up related rates)**

Name	Title	Firm	City	Billing Rate	Get the 10-day file
Cook, Phillip C.	Deputy Managing Partner	Alston & Bird	Atlanta/Washington	\$670	
Greene, Terence J.	Partner	Alston & Bird	Atlanta	\$650	Feels like 77°F Humidity: 61% Wind: ESE at 8 mph Enter city/zip
Patterson, Alexander W.	Partner	Alston & Bird	Atlanta	\$625	Almond D Sunny, 80° Pollen: N
Thatcher, Laura G.	Partner	Alston & Bird	Atlanta	\$625	Download Desktop We
Connolly, Dennis J.	Partner	Alston & Bird	Atlanta	\$605	
Hickman, John R.	Partner	Alston & Bird	Atlanta	\$550	
Bratton, Gregory C.	Partner	Alston & Bird	Atlanta	\$525	
Hillson, H. Douglas	Partner	Alston & Bird	Atlanta	\$525	
Fanley, Kathleen C.	Partner	Alston & Bird	Atlanta	\$495	<b>Classified A</b>
Pett, Craig R.	Partner	Alston & Bird	Atlanta	\$485	ARE NOW ONLY You're used to seeing it print edition. Now, the L Report posts classified Web site! Click here to read the la
Hunter, Forrest W.	Partner	Alston & Bird	Atlanta	\$480	
Dudell, Mark L.	Partner	Alston & Bird	Atlanta	\$460	

Watson, Jason H.	Partner	Alston & Bird	Atlanta	\$460
Cassilly, Lisa H.	Partner	Alston & Bird	Atlanta	\$445
Dicarlo, Patrick C.	Partner	Alston & Bird	Atlanta	\$435
Gilligan, D. Ashley	Partner	Alston & Bird	Atlanta	\$410
McDonald, Michael G.	Partner	Alston & Bird	Atlanta	\$376
Brightwell, Ashley D.	Partner	Alston & Bird	Atlanta	\$350
Vanney, Peter M.	Associate	Alston & Bird	Atlanta	\$310
Happner, Amy S.	Associate	Alston & Bird	Atlanta	\$295

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Manning, George T.	Partner	Jones Day	Atlanta	\$700	<b>77</b> Sun
Ellman, Jeffrey B.	Partner	Jones Day	Atlanta	\$625	Feels like: 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Carter, Dan T.	Partner	Jones Day	Atlanta	\$550	<b>60</b> Sun
Kibby, Richard M.	Partner	Jones Day	Atlanta	\$550	Attnod D Sparting Pollen R
Sudbury, Deborah A.	Partner	Jones Day	Atlanta	\$550	Download Desktop Weather
Lyons, Roy D.	Partner	Jones Day	Atlanta	\$525	
Kent, Arthur G.	Counsel	Jones Day	Atlanta	\$400	
Finley, Joseph E.	Partner	Jones Day	Atlanta	\$375	
Berlin, Brett J.	Associate	Jones Day	Atlanta	\$355	
Rathman, Robbin	Associate	Jones Day	Atlanta	\$280	
Davis, Walter W.	Associate	Jones Day	Atlanta	\$255	
Demody, Sandra H.	Associate	Jones Day	Atlanta	\$230	

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Document 307-3

Filed 05/25/2007

Page 19 of 47

Hall, Jamila M.	Associate	Jones Day	Atlanta	\$210
Schmitt, Robert A.	Associate	Jones Day	Atlanta	\$210
Crisly, Matthew J.	Associate	Jones Day	Atlanta	\$210
Splitter, Brian S.	Associate	Jones Day	Atlanta	\$210
Wisa, Johanna T.	Associate	Jones Day	Atlanta	\$195
McEckon, Brooke Warner	Associate	Jones Day	Atlanta	\$195
Bayuk, Frank T.	Associate	Jones Day	Atlanta	\$170
Cantrell, Margaret M.	Associate	Jones Day	Atlanta	\$170

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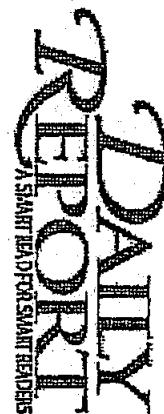
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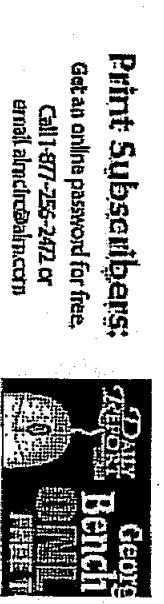




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Showing 21 through 22 of 22 results. (Click a firm or city to bring up related rates)

Name	Title	Firm	City	Billing Rate
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Fleming, Casey M.	Associate	Jones Day	Atlanta	\$160

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Mills III, John W.	Partner	Kilpatrick Stockton	Atlanta	\$375
Langford, Michael D.	Counsel	Kilpatrick Stockton	Atlanta	\$370
Hann Jr., R. Charles	Partner	Kilpatrick Stockton	Atlanta	\$355
Williams, Camilla C.	Partner	Kilpatrick Stockton	Atlanta	\$350
Natarajan, Raj	Associate	Kilpatrick Stockton	Atlanta	\$335

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Geiger, David A.	Associate	Kilpatrick Stockton	Atlanta	\$335	<b>77</b> Temp: 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Bernardino, Colin M.	Associate	Kilpatrick Stockton	Atlanta	\$320	
Rice, Chuck	Associate	Kilpatrick Stockton	Atlanta	\$315	
Dodder, Richard E.	Associate	Kilpatrick Stockton	Atlanta	\$315	
Hart, Catherine E.	Associate	Kilpatrick Stockton	Atlanta	\$295	
Durden, Andrew C.	Associate	Kilpatrick Stockton	Atlanta	\$285	
Garrison, Brian S.	Attorney	Kilpatrick Stockton	Atlanta	\$275	
Eiko, Alison M.	Associate	Kilpatrick Stockton	Atlanta	\$270	
Agelakopoulos, Athanasios E.	Associate	Kilpatrick Stockton	Atlanta	\$270	
Waldrop, Jonathan K.	Associate	Kilpatrick Stockton	Atlanta	\$255	
Tillett, Colleen H.	Associate	Kilpatrick Stockton	Atlanta	\$255	
Flitman, Dan A.	Attorney	Kilpatrick Stockton	Atlanta	\$240	

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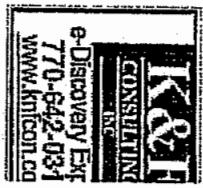
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Ruschell, Joseph M.	Summer Associate	Kilpatrick Stockton	Atlanta	\$165
Williams, Molly	Paraprofessional	Kilpatrick Stockton	Atlanta	\$165
Graybeal, Judy L.	Paraprofessional	Kilpatrick Stockton	Atlanta	\$160
Walton, Melissa A.	Paraprofessional	Kilpatrick Stockton	Atlanta	\$150
Pillow, Melinda C.	Associate	Kilpatrick Stockton	Atlanta	\$150
Allen, Latosha E.	Paraprofessional	Kilpatrick Stockton	Atlanta	\$145

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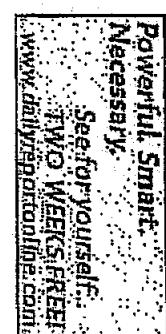
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Stein, Jeffrey M.	Partner	King & Spalding	Atlanta	\$595	Feels Like 77°F Humidity 51% Wind: ESE at 8 mph Enter city/zip	
Thornton, M. Robert	Partner	King & Spalding	Atlanta	\$590		
Borders, Sarah R.	Partner	King & Spalding	Atlanta	\$575		
Ferdinand, Paul K.	Partner	King & Spalding	Atlanta	\$535		
Heller, Dan	Partner	King & Spalding	Atlanta	\$505		
Maloney, Mark M.	Partner	King & Spalding	Atlanta	\$500		
Clineburg Jr., William A.	Partner	King & Spalding	Atlanta	\$500		
Riesner, Susan Carter	Partner	King & Spalding	Atlanta	\$480		
Tabbe, Andrew M.	Counsel	King & Spalding	Atlanta	\$450		
Jordan, Jonathan W.	Associate	King & Spalding	Atlanta	\$415		
Tucker, Timothy N.	Counsel	King & Spalding	Atlanta	\$400		

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Hewlett, Laura O.	Counsel	King & Spalding	Atlanta	\$400
Foxworth, Susan E.	Counsel	King & Spalding	Atlanta	\$390
Tetrick, Jr., David	Partner	King & Spalding	Atlanta	\$385
Edgy Ferber, Amy	Associate	King & Spalding	Atlanta	\$380
Mayer, Donald E.	Counsel	King & Spalding	Atlanta	\$375
Edwards, Donna W.	Counsel	King & Spalding	Atlanta	\$360
Burchfield, Donna C.	Counsel	King & Spalding	Atlanta	\$360
Isbell, John F.	Associate	King & Spalding	Atlanta	\$360

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Bianchi, Gregory	Associate	King & Spalding	Atlanta	\$350	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Bozzelli, Matthew D.	Associate	King & Spalding	Atlanta	\$320	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Lea, Benjamin A.	Associate	King & Spalding	Atlanta	\$295	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Jowers, W. Austin	Associate	King & Spalding	Atlanta	\$285	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Cowles, James	Consultant	King & Spalding	Atlanta	\$270	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Peters, Noah P.	Associate	King & Spalding	Atlanta	\$265	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Sheppard, Shannon M.	Associate	King & Spalding	Atlanta	\$265	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Carter, Michelle L.	Associate	King & Spalding	Atlanta	\$260	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Humphreys, Adam J.	Associate	King & Spalding	Atlanta	\$265	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip
Edgcumbe, Jason R.	Associate	King & Spalding	Atlanta	\$255	 <b>77</b> Sun Feels Like 77°F Humidity: 51% Wind: ESE at 0 mph Enter city/zip

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Bennett, Rebekah R.	Associate	King & Spalding	Atlanta	\$255
Norris, Jamie L.	Associate	King & Spalding	Atlanta	\$230
Hefner, Melissa	Senior Paraprofessional	King & Spalding	Atlanta	\$216
Dowell, Dorothy	Senior Paraprofessional	King & Spalding	Atlanta	\$205
Moore, Heather	Employee Benefit Specialist	King & Spalding	Atlanta	\$200
McDowell, Monique	Attorney	King & Spalding	Atlanta	\$200
Smith, Barbara	Paraprofessional	King & Spalding	Atlanta	\$180
Harrison, Susan	Senior Paraprofessional	Kleg & Spalding	Atlanta	\$185

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Name	Title	Firm	City	Billing Rate				
Anderson, Debra	Paraprofessional	King & Spalding	Atlanta	\$175	77	Sun	Print Subscribers:	DAILY BENCH
White, Pamela	Paraprofessional	King & Spalding	Atlanta	\$175	77	Sun	Get an online password for free.	www.dailylegalnews.com
Hutton, Kathryn S.	Attorney	King & Spalding	Atlanta	\$175	77	Sun	Call 877-256-2472 or	email: admin@dln.com
Ansa, Yvette	Paraprofessional	King & Spalding	Atlanta	\$160	77	Sun	Our Sites	
Lay, Sakhouy	Paraprofessional	King & Spalding	Atlanta	\$130	77	Sun	Advertiser	
Morris, Joe	Senior Research Specialist	King & Spalding	Atlanta	\$120	77	Sun	Lawcom Home	
Matuszak, Elizabeth	Library Manager	King & Spalding	Atlanta	\$120	77	Sun	Newsweek	
Matuszek, Michael	Paraprofessional	King & Spalding	Atlanta	\$95	77	Sun	LawJobs	
Levinson, Kevin	Project Assistant	King & Spalding	Atlanta	\$90	77	Sun	CLE Center	
Tatman, Amanda					77	Sun	LawCatalog	
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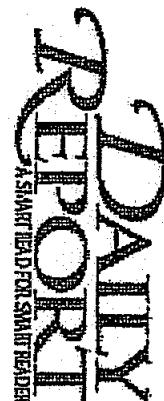
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**Showing 1 through 11 of 11 results. (Click a firm or city to bring up related rates)**

Name	Title	Firm	City	Billing Rate	Get the 10 day forecast
Melner, J. Allen	Partner	Paul, Hastings, Janofsky & Walker	Atlanta	\$580	 Feels like 77°F Humidity: 61% Wind: ESE at 0 mph Elevation: 400
Jospin, Walter E.	Partner	Paul, Hastings, Janofsky & Walker	Atlanta	\$650	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400
Demiston, Karol K.	Partner	Paul, Hastings, Janofsky & Walker	Atlanta	\$625	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400
Noe, Elizabeth H.	Associate	Paul, Hastings, Janofsky & Walker	Atlanta	\$615	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400
Myers, Albert M.	Associate	Paul, Hastings, Janofsky & Walker	Atlanta	\$420	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400
Rodriguez III, Jay	Associate	Paul, Hastings, Janofsky & Walker	Atlanta	\$365	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400
Snyder, R. Samuel	Associate	Paul, Hastings, Janofsky & Walker	Atlanta	\$350	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400
Ghayavandhanangkur, Carolyn	Associate	Paul, Hastings, Janofsky & Walker	Atlanta	\$310	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400
Coppemoll, Nata L.	Associate	Paul, Hastings, Janofsky & Walker	Atlanta	\$255	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400
Slas, Toronda M.	Associate	Paul, Hastings, Janofsky & Walker	Atlanta	\$250	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400
Nearly, Devora L.	Paraprofessional	Paul, Hastings, Janofsky & Walker	Atlanta	\$160	 Cloudy Humidity: 61% Wind: NNE at 0 mph Elevation: 400

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Showing 1 through 20 of 31 results. (Click a firm or city to bring up related rates)

Name	Title	Firm	City	Billing Rate	Get the 10 day forecast
Cohen, Ezra H.	Partner	Trouthman Sanders	Atlanta	\$650	<b>76</b> Feels Like: 76°F Humidity: 54% Wind: E at 8 mph End of day: 76° Alfred D. Sandberg Robert R.
Kelley, Jeffrey W.	Partner	Trouthman Sanders	Atlanta	\$525	 Sun
Grout, Robert W.	Partner	Trouthman Sanders	Atlanta	\$525	 Wind: E at 8 mph
Smith III, James L.	Partner	Trouthman Sanders	Atlanta	\$500	 End of day: 76°
Strauss, Robert D.	Partner	Trouthman Sanders	Atlanta	\$425	 Alfred D. Sandberg Robert R.
Rogers, Dawitt R.	Partner	Trouthman Sanders	Atlanta	\$430	 Download Desktop Weather
Ernst, Douglas E.	Partner	Trouthman Sanders	Atlanta	\$415	 Atlanta, GA
Dempster, Hazel H.	Partner	Trouthman Sanders	Atlanta	\$410	 Sun
DeHaven, M. Travis	Partner	Trouthman Sanders	Atlanta	\$400	 Wind: E at 8 mph
Farley, Andrea M.	Partner	Trouthman Sanders	Atlanta	\$375	 End of day: 76°
Bushner, John E.	Partner	Trouthman Sanders	Atlanta	\$375	 Alfred D. Sandberg Robert R.
Roberts, Matthew F.	Partner	Trouthman Sanders	Atlanta	\$350	 Download Desktop Weather

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Winstberg, Harris B.	Partner	TROUTMAN SANDERS	Atlanta	\$330
Sheehan Jr., Gary R.	Associate	TROUTMAN SANDERS	Atlanta	\$325
Yost, Melissa J.	Attorney	TROUTMAN SANDERS	Atlanta	\$300
Kelley, Milton Ericka	Associate	TROUTMAN SANDERS	Atlanta	\$300
Macken, Patrick W.	Associate	TROUTMAN SANDERS	Atlanta	\$290
Proffitt, James A.	Associate	TROUTMAN SANDERS	Atlanta	\$265

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**Showing 21 through 31 of 31 results. (Click a firm or city to bring up related rates)**

Name	Title	Firm	City	Billing Rate	Get the 10 day fore
Cahnan, Daniel	Associate	Trotman Sanders	Atlanta	\$250	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Skiba, Leslie A.	Associate	Trotman Sanders	Atlanta	\$250	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Meushaw, Hallie M.	Associate	Trotman Sanders	Atlanta	\$250	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Blowers, Bryony Helen	Associate	Trotman Sanders	Atlanta	\$250	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Yates, Anne E.	Associate	Trotman Sanders	Atlanta	\$235	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Woods, Curry	Associate	Trotman Sanders	Atlanta	\$220	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Sheumaker, William E.	Associate	Trotman Sanders	Atlanta	\$215	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Aczel, Alisa H.	Associate	Trotman Sanders	Atlanta	\$215	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Burton, William W.	Associate	Trotman Sanders	Atlanta	\$195	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Kunner, Thomas S.	Associate	Trotman Sanders	Atlanta	\$195	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip
Eschleman, Edward R.	Associate	Trotman Sanders	Atlanta	\$195	 <b>77</b> Sun Feels Like: 77°F Humidity: 51% Wind: ESE at 8 mph Enter city/zip

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Name	Title	Firm	City	Billing Rate	Get the 10-day forecast
Pollock, Thomas R.	Partner	Paul, Hastings, Janofsky & Walker	San Francisco	\$750	 <b>77</b> Sun Feels Like: 77°F Humidity: 61% Wind: ESE at 0 mph Enter city/zip
Goleinier, Neil A.	Partner	Farella Braun & Martel	San Francisco	\$745	
Schlinkert, William J.	Partner	Farella Braun & Martel	San Francisco	\$695	
Gloster, Dean M.	Partner	Farella Braun & Martel	San Francisco	\$675	
Brown, Donald W.	Partner	Covington & Burling	San Francisco	\$640	
Holden Jr., Frederick D.	Partner	Orrick, Herrington & Sutcliffe	San Francisco	\$605	
Frank, Michael T.	Partner	DLA Piper	East Palo Alto, San Francisco	\$540	<a href="#">Download Desktop Weather</a>
McKane, Mark E.	Partner	Kirkland & Ellis	San Francisco	\$505	
Roche, Laura C.	Associate	Farella Braun & Martel	San Francisco	\$475	
Joosten, Nan E.	Partner	Farella Braun & Martel	San Francisco	\$465	
Agenbroad, Aaron L.	Associate	Jones Day	San Francisco	\$430	
Dunn, Heather	Associate	DLA Piper	San Francisco	\$425	

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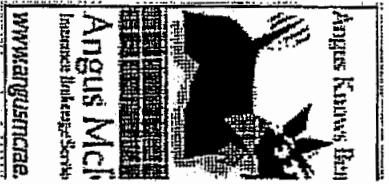
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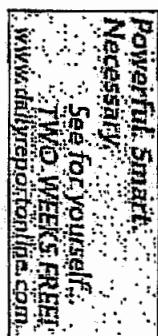
Kearan, Christopher W.	Associate	Kirkland & Ellis	San Francisco	\$415
White II, Jack L.	Associate	Kirkland & Ellis	San Francisco	\$385
Gatkling, Tyler C.	Associate	Farella Braun & Martel	San Francisco	\$355
Taggoli, Christina D.	Associate	Paul, Hastings, Janofsky & Walker	San Francisco	\$325
Christian, Ryan M.	Associate	Kirkland & Ellis	San Francisco	\$315
Kim, Jenny	Associate	DLA Piper	San Francisco	\$260
Allhoff, Hans J.	Associate	Kirkland & Ellis	San Francisco	\$260

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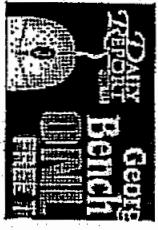




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A note about the hourly rate index: The billing rates at the end of each row are the individual lawkeeper's 2006 rates listed in fee requests of cases filed in U.S. Bankruptcy Court and other federal courts. If the attorney changed different rates during the same year, only the highest rate is listed.

Showing 1 through 7 of 7 results. (Click a firm or city to bring up related rates)

Name	Title	Firm	City	Billing Rate	Get the 10 day rate
Gottlieb, Neil A.	Partner	Farella Braun & Martel	San Francisco	\$745	<input checked="" type="radio"/> <b>76</b> Sun
Schlinkert, William J.	Partner	Farella Braun & Martel	San Francisco	\$895	Feels Like 76°F Humidity 54% Wind: E at 8 mph Enter city/tap
Glosser, Dean M.	Partner	Farella Braun & Martel	San Francisco	\$675	Airport D Speeding Pollution
Rocha, Laura C.	Associate	Farella Braun & Martel	San Francisco	\$475	Download Desktop Ma
Joesten, Nan E.	Partner	Farella Braun & Martel	San Francisco	\$465	
Gerkling, Tyler C.	Associate	Farella Braun & Martel	San Francisco	\$355	
Fried-Roachella, Maryann	Paraprofessional	Farella Braun & Martel	San Francisco	\$225	

## Classified A

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## EXHIBIT 2

**United States Court of Appeals**

Eleventh Circuit

56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Thomas K. Kahn  
Clerk

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[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

August 09, 2007

**MEMORANDUM TO COUNSEL OR PARTIES**

**RECEIVED**

**AUG 13 2007**

**P.M.K.M. & N.**

**Appeal Number: 07-13250-I**

**Case Style: Robbie Hillis v. Equifax Consumer Services, Inc.**

**District Court Number: 04-03400 CV-TCB-1**

**NOTICE OF APPEAL FILED: July 11, 2007**

After review of the district court docket entries, order and/or judgment appealed from, and the notice of appeal, it appears that this court may lack jurisdiction over this appeal. If it is determined that this court is without jurisdiction, this appeal will be dismissed.

The parties are requested to simultaneously advise the court in writing within fourteen (14) days from the date of this letter of their position regarding the jurisdictional question(s) set forth on the attached page. An original plus three copies of any response should be filed. The responses must include a Certificate of Interested Persons and Corporate Disclosure Statement as described in Fed.R.App.P. 26.1 and the corresponding circuit rules. Requests for extensions of time to file a response may not be entertained.

After fourteen (14) days, this court will consider any response(s) received and any portion of the record that may be required to resolve the jurisdictional issue(s). Please note that the issuance of a jurisdictional question does not stay the time for filing appellant's briefs otherwise provided by 11th Cir. R. 31-1.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Debbie Fisher (404) 335-6188

c: District Court Clerk

JUR-1 (08-2005)

07081301

NO. 07-13250-I

## JURISDICTIONAL QUESTION

Whether Meredith Whittington, Taren Hill, and Karen Shapiro may appeal the denial of their objections to the class action settlement? See Devlin v. Scardelletti, 536 U.S. 1, 6-8, 14, 122 S.Ct. 2005, 2009, 2013, 153 L.Ed.2d 27 (2002) (providing that nonnamed class members, who timely objected to the approval of the settlement, have the power to appeal without first intervening); cf. AAL High Yield Bond Fund v. Deloitte & Touche LLP, 361 F.3d 1305, 1309-11 (11th Cir. 2004) (providing that non-intervening, non-class members to a class action, who objected to the settlement, may not appeal the denial of their objection to the certification and settlement because they are not parties and have not moved to intervene).

# EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ROBBIE HILLIS, individually and  
on behalf of all persons similarly  
situated,

Plaintiff,

v.

EQUIFAX CONSUMER  
SERVICES, INC. and FAIR  
ISAAC CORPORATION,

Defendants.

CASE NO. 1:04-CV-3400-TCB

CLASS ACTION

RECEIVED

AUG 15 2007

PMK.M. & N.

AND

CHRISTY SLACK, Individually  
and on behalf of all persons  
similarly situated,

Plaintiff,

v.

FAIR ISAAC CORPORATION  
and MYFICO CONSUMER  
SERVICES, INC.,

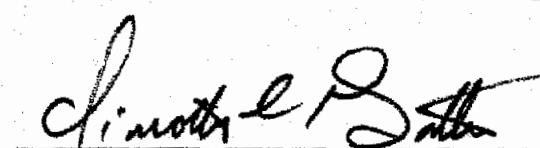
Defendants.

CASE NO. 1:07-CV-314-TCB

CLASS ACTION

NOTICE OF HEARING

By direction of the Court, counsel for the parties to this action are  
**DIRECTED** to appear before the Honorable Timothy C. Batten, Sr. for a  
**HEARING** on Objectors'/appellants' Motion for a Stay and Request for an  
Interim Order and Plaintiff Class' Response In Opposition To Motion For  
Stay And Request For Interim Order And Request For Sanctions on  
August 23, 2007 at 10:00 am in Courtroom 1708 <sup>17<sup>th</sup></sup> Floor,  
United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia, at which  
time the Court will hear oral argument and/or evidence on this matter [Doc.  
No. 3384. It is further ORDERED that Objectors Whittington and Hill's  
3414 342  
response to said Motion be filed on or before August 21, 2007.  
Objectors Meredith Whittington-Bacharach and Taren Hill and attorney N.  
Albert Bacharach, Jr. are ordered to appear at said hearing. Any person,  
ordered to appear, who fails to appear will be subject to a contempt finding  
by this Court.



Honorable Timothy C. Batten, Sr.  
Judge, U. S. District Court  
Northern District of Georgia  
(Atlanta Division)

**Jimmy Wright**

**From:** ganddb\_efile\_notice@gand.uscourts.gov  
**Sent:** Wednesday, August 15, 2007 3:25 PM  
**To:** CourtMail@gand.uscourts.gov  
**Subject:** Activity in Case 1:04-cv-03400-TCB Hillis v. Equifax Consumer Services, Inc. et al Order Setting Hearing on Motion

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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**U.S. District Court**

**Northern District of Georgia**

**Notice of Electronic Filing**

The following transaction was entered on 8/15/2007 at 3:25 PM EDT and filed on 8/15/2007

**Case Name:** Hillis v. Equifax Consumer Services, Inc. et al

**Case Number:** 1:04-cv-3400

**Filer:**

**WARNING: CASE CLOSED on 06/12/2007**

**Document Number:** 345

**Docket Text:**

ORDER Setting Hearing on Motions [338], [342], [341]: Motion Hearing set for 8/23/2007 at 10:00 AM in Courtroom 1708 before Judge Timothy C. Batten Sr. It is further ORDERED that Objectors Whittington and Hill's response to said Motions be filed on or before 8/21/07. Objectors Meredith Whittington-Bacharach and Taren Hill and attorney N. Albert Bacharach, Jr. are ordered to appear at said hearing. Any person, ordered to appear, who fails to appear will be subject to a contempt finding by this Court. Signed by Judge Timothy C. Batten Sr. on 8/15/07. (mas)

**1:04-cv-3400 Notice has been electronically mailed to:**

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**1:04-cv-3400 Notice has been delivered by other means to:**

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The Morrison Agency  
Michael J. King  
Greenberg Traurig LLP  
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Atlanta, GA 30327

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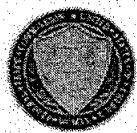
**Document description:**Main Document

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[STAMP\_dcecfStamp\_ID=1060868753 [Date=8/15/2007] [FileNumber=1977795-0  
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85b9d79ac5bcd623c51c738a191228f774f2a364eae34e05a33b77efb5c75]]

# EXHIBIT 4



# Federal Trade Commission Protecting America's Consumers

For Your Information: December 12, 2006

## Commission Approves Federal Register Notice Regarding Allowable Disclosure Charges Under the FCRA; FTC Approves Final Consent Order in Matter of Watson/Andrx

**Commission approval of Federal Register notice:** The Commission has approved the publication of a Federal Register notice regarding the ceiling on allowable charges for certain disclosures under the Fair Credit Reporting Act (FCRA). As detailed in the notice, which will be published shortly and is available now on the FTC's Web site, the ceiling on allowable charges for certain disclosures under the FCRA, Section 612(f)(1)(A), will remain at \$10.00 in 2007. This section of the Act provides that, in those cases where the FCRA does not require the disclosure to be made without charge, a consumer reporting agency may charge a reasonable amount for making a disclosure to the consumer, provided the charge does not exceed a statutory maximum and is indicated to the consumer before the disclosure is made. The Act provides that the charge may not exceed \$8.00, adjusted annually for inflation, with fractional changes rounded to the nearest 50 cents.

This charge does not apply to consumers' requests for free annual disclosures under the provisions of Section 211(a) of the Fair and Accurate Credit Transactions Act of 2003 (FACTA). The charge does, however, apply when a consumer has already received a free annual disclosure and does not otherwise qualify for an additional free disclosure. The Commission vote to publish the notice in the Federal Register was 5-0. (File No. 075400; staff contact is Keith B. Anderson, Bureau of Economics, 202-326-3428.)

**Commission approval of final consent order:** Following a public comment period, the Commission has approved the issuance of final consent order in the matter concerning **Watson Pharmaceuticals, Inc.'s acquisition of Andrx Corporation**. The vote to approve the final consent order, copies of which can be found on the FTC's Web site as a link to this press release, was 4-0, with Commissioner J. Thomas Rosch voting not participating - recused. (FTC File No.061-0139, the staff contact is Kari Wallace, Bureau of Competition, 202-326-3085; see press release dated October 31, 2006.)

Copies of the documents mentioned in this release are available from the FTC's Web site at <http://www.ftc.gov> and from the FTC's Consumer Response Center, Room 130, 600 Pennsylvania Avenue, N.W., Washington, DC 20580. Call toll-free: 1-877-FTC-HELP.

### Media Contact:

FTC Office of Public Affairs  
202-326-2180

### E-mail this News Release

If you send this link to someone else, the FTC will not collect any personal information about you or the recipient.

### Related Documents:

Allowable Charges Under Section 612(f) of the Fair Credit Reporting Act for Disclosures to Consumers

- Text of the Federal Register Notice

In the Matter of Watson Pharmaceuticals, Inc., a corporation and Andrx Corporation, a corporation. FTC File No. 061-1039 Docket No. C-4172

Last Modified: Monday, 25-Jun-2007 16:24:00 EDT

# EXHIBIT 5



## Federal Trade Commission Protecting America's Consumers

For Release: November 3, 2004

### FTC Seeks Comments on Proposed Fee for Credit Scores

The Federal Trade Commission is seeking public comment on different approaches to determining a "fair and reasonable" fee for credit scores under the Fair and Accurate Credit Transactions Act (FACTA) and the Fair Credit Reporting Act (FCRA). FACTA, which was enacted on December 4, 2003, amends the FCRA and requires, among other things, that nationwide consumer reporting agencies (CRAs) provide to consumers, upon request, a copy of their credit scores.

A credit score is a numeric characterization of a consumer's credit history, which creditors may use to predict the level of risk associated with providing credit to the consumer. Generally, a higher score indicates lower predicted risk. Consumers can purchase their credit score from the three nationwide credit bureaus or other companies not covered under FACTA. The cost for credit scores currently appears to be between \$4 and \$8. FACTA directs the Commission to develop a "fair and reasonable" fee for credit bureaus to charge consumers for a copy of their credit score beginning December 1, 2004.

In a Federal Register notice published today, the Commission presents several approaches for determining a reasonable fee for score disclosure. The Commission seeks comments on these approaches and on the various factors and methods that should be considered in determining the appropriate fee. The Commission also seeks comment on: (1) the state of the current market in direct-to-consumer scores; (2) the percentage of the credit score market that would be regulated, and what percentage unregulated, under the FCRA; (3) the competitive effects of the imposition of a maximum price requirement that applies only to part of the market for credit scores; (4) whether consumer reporting agencies will choose to fulfill their obligation under the FCRA directly or through subsidiaries; (5) the appropriate market to consider if the Commission chooses to determine a fee based on the market for scores; (6) whether factors other than price should be considered in determining a fee based on the market for scores; and (7) should the Commission choose a specific dollar amount, whether it should include a mechanism for periodic adjustment of the price, and if so, what factors should determine the need for an adjustment.

Written comments should refer to "FACTA Credit Score Fee, Project No. R411004" both in the text and on the envelope, and should be mailed to the following address: Federal Trade Commission/Office of the Secretary, Room H-159 (Annex O), 600 Pennsylvania Avenue, N.W., Washington, DC 20580. Comments containing confidential material must be filed in paper form. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments also may be filed electronically at <https://secure.commentworks.com/ftc-CreditScoreFee>.

**The Commission vote approving publication of the Federal Register Notice was 5-0.**

Copies of the Federal Register notice are available from the FTC's Web site at <http://www.ftc.gov> and also from the FTC's Consumer Response Center, Room 130, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint in English or Spanish (bilingual counselors are available to take complaints), or to get free information on any of 150 consumer topics, call toll-free, 1-877-FTC-HELP (1-877-382-4357), or use the complaint form at <http://www.ftc.gov>. The FTC enters Internet, telemarketing, identity theft, and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

#### Media Contact:

Jen Schwartzman  
Office of Public Affairs  
202-326-2674

#### Staff Contact:

Christopher Keller  
Division of Financial Practices  
202-326-3224

FTC File No. R411004)

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**Related Documents:****Fair and Accurate Credit Transactions Act of 2003: Determination of Fair and Reasonable Fee To Be Charged By A Credit Reporting Agency for Consumer Credit Scores: Advance Notice of Proposed Rulemaking and Request for Comment**

- [Text of the Federal Register Notice](#)

Last Modified: Monday, 25-Jun-2007 16:19:00 EDT